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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,045

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Eberhard Harms

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EXAMINER

LITHGOW, THOMAS M

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

09/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,045	Applicant(s) HARMS ET AL.	
	Examiner Thomas M. Lithgow	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10-20-2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuchs (US 4090965). Fuchs '965 discloses a filter device 4 (Fig. 1) or 4c (fig. 5) which is a horizontal rotary drum filter in its own separate chamber (with respect to chamber 17) and as shown in fig. 2, the bottom of the filter chamber follows the contour of the rotating filter.

3. Claims 1, 5 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Whetsel (US 5362401). Whetsel '401 discloses a horizontal rotary filter 10, arranged within a basin 11. The basin, as shown in fig. 2, has a contour which follows the contour of the filter 10.

4.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs '965 as applied to claim 1 above, and further in view of any one of Moore (US 1858900) or Sweetland (US 1796491) or Sweetland (US 1796492). The use of a filter chamber body for a rotary "outside to in" filter which is shaped of a "half a cylindrical body" is well known and taught by any one of Moore '900 or Sweetland '490 or Sweetland '491. To employ this known expedient for its intended purpose would have been obvious to one of ordinary skill in the art at the time of the invention.

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs '965 as applied to claim 5 above, and further in view of Sweetland '491. Sweetland '491 discloses a rotary filter with an overflow inlet 51, 52, 53 and an additional overflow outlet at 15. To employ these features with Fuchs '965, who already communicates with adjacent

settling chamber 17, would have been obvious to one of ordinary skill in the art.

8. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whetsel '401 as applied to claim 1 above, and further in view of any one of Moore (US 1858900) or Sweetland (US 1796491) or Sweetland (US 1796492). The use of a filter chamber body for a rotary "outside to in" filter which is shaped of a "half a cylindrical body" is well known and taught by any one of Moore '900 or Sweetland '490 or Sweetland '491. To employ this known expedient for its intended purpose in Whetsel '401 would have been obvious to one of ordinary skill in the art at the time of the invention.

9. Claims 10-11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Astrom (US 5876612) alone or further in view of JP 06-285308A. Astrom '612 discloses a process for the periodic cleaning of filter 21 (see fig. 1) which includes the steps of first backwashing the filter using suction head 77. If this is not sufficient to clean the filter than an additional step of washing the filter is required [col. 5, lines 60+]. Prior to washing the liquid level in the tank is dropped below the nozzle heads 85. Thus the "draining of the water" step

in claim 10 is met. Then, with the container partially full, a cleaning solution is added to the tank via spray nozzles 85 via line 71 to further clean the filter while the filter is moving. The cleaning solution flows into the tank contents and is removed mostly through the suction heads 77 located beneath the fluid surface. Once cleaned the liquid level is raised to its normal operating level as shown in fig. 2. The liquid level depicted in fig. 3 is broadly “approximately just below the axis of rotation” as recited in the claim. However, if not, then JP ‘308 discloses that lower levels of cleaning solution may be used to successfully clean a rotary filter prior to restoring the filter to its normal working condition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas M. Lithgow/

Primary Examiner, Art Unit 1797

Thomas M. Lithgow
Primary Examiner
Art Unit 1797

TML